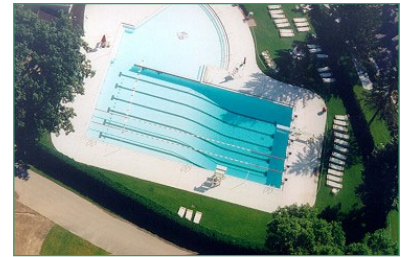




MARICOPA COUNTY
ENVIRONMENTAL SERVICES DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
SWIMMING POOL CONSTRUCTION PROGRAM

1001 N. CENTRAL AVENUE, SUITE #300
PHOENIX, ARIZONA 85004
(602) 506 - 6970
(602) 506 - 6862 - FAX



(POOL CODE WORKSHOP #3 ON JULY 14, 2003)

POOLS:

The Maricopa County Environmental Services Department (MCESD) is currently revising CHAPTER VI OF BATHING PLACES (PUBLIC AND SEMIPUBLIC SWIMMING POOLS). This revision is primarily in result to changes made to Arizona Administrative Code R18-5-200. At State level, public and semipublic swimming pools are regulated by rules adopted by two separate Departments:

- A. The Arizona Department of Environmental Quality (ADEQ) administers the rules pertaining to design and construction of swimming pools under Title 18: ENVIRONMENTAL QUALITY, CHAPTER 5: DEPARTMENT OF ENVIRONMENTAL QUALITY - ENVIRONMENTAL REVIEWS AND CERTIFICATION, ARTICLE 2: PUBLIC AND SEMIPUBLIC SWIMMING POOLS AND SPAS, (R18-5-200).
- B. The Arizona Department of Health Services (ADHS) administers the rules pertaining to the operation of public and semipublic swimming pools under Title 9: HEALTH SERVICES, CHAPTER 8: DEPARTMENT OF HEALTH SERVICES - FOOD, RECREATIONAL AND INSTITUTIONAL SANITATION, ARTICLE 8: PUBLIC AND SEMIPUBLIC BATHING PLACES, (R9-8-800)

Maricopa County has combined these separate and sometimes conflicting rules into one easy to use set of rules. For the last 16 years, ADEQ has accepted Maricopa County rules as equal to or better than the rules that were adopted in 1968. The new ADEQ rules are essentially repetition of Maricopa County Rules with some additions.

The Maricopa County Rules establish a County variance committee, which can react quickly to requests from swimming pool designers. For relief from specific requirements without a local code, swimming pools contractors would have to appeal to the State with all the delays that would entail.

On July 14, 2003, MCESD held a public workshop to hear verbal comments on the proposed MCEHC CHAPTER VI changes. Written comments were also received for consideration until July 24, 2003. This document summarizes the MCESD responses to the comments received during and after the workshop.

The Code with changes will be submitted to the Maricopa County Board of Health (MCBOH) for approval and subsequently submitted to the Maricopa County Board of Supervisors (MCBOS) for adoption.

Comment [1] What is the purpose of having to submit plans to Plan Review for the resurfacing of a pool or deck?
Response: Plans for resurfacing would be required to ensure the appropriate finish color and that a dual main drains are installed. A process to streamline plan approval to over the counter process with a final inspection will keep fees to a reasonable cost. Simple patchwork for a pool or deck will not require a plan review if less than 10% of the pool area is altered.

Comment [2] What are the fees for this remodeling is going to be based on?
Response: The current minor remodeling fee is \$150 based on plan review and field inspection taking under two (2) hours. A new fee for pools that are replastering and already have a dual main drain or concrete pools that are to be simply repainted would require a fee change. This fee will be recommended to be \$75 based on color review and one onsite inspection.

Comment [3] How are you controlling Pool Rule #1 regarding oral or nasal discharge, sick bathers, etc? A kid with zits ready to pop could be put in this category. Can't you remove this rule and make it easier for the operators?
Response: This is per State of Arizona Health Code. Due to our delegation agreement with the State, we cannot eliminate this rule. We can make our Code more restrictive than State but cannot be less stringent.

Comment [4] In addressing remodeling – Will signage need to be updated at the same time?

Response: No it would not.

Comment [5] Signs: Are there any diving sign size requirements?

Response: Diving signs are the only signs that have size requirements, a four (4) inch high minimum letter size. It is mandatory that a sign be posted that indicates that the pool is not suitable for diving.

Comment [6] Animals in pool area and Service Animals: What about animals in the pool? Some operators are facing the problem of service animals that need to be in the water with the bather as well as some people bringing their animals in the pool area.

Response: In addition to the issues of pool sanitation if contaminated by an animal, the County has a concern that an animal brought into the pool, may not be able to get out of the pool. We will look further into the different service animals' issues with the State.

Comment [7] Retroactive actions on pools – Anti-vortex covers required on all pools by May 2004. Some very old pools have shells that are very thin. What do these operators do in this situation?

Response: A variance request will need to be submitted for approval for a pool that the owner feels he/she can't handle the installation without risk to the overall pool integrity. Anti-vortex covers are priced from around \$45.00 to \$100.00 installed.

Comment [8] Commercial pools have larger main drains than others do and there will not be vortex covers large enough. How do we deal with this?

Response: Any grate/cover over 18 inches will not require an anti-vortex cover. The Department will evaluate each pool where a hardship exists.

Comment [9] Dual Main Drains at the time of resurfacing is a problem for fiberglass pools. Recoating fiberglass on a fiberglass pool is not cutting into a pool. Why do we still have to put in dual main drains if we are not cutting into the pool?

Response: There are other viable options and alternative systems you may consider in lieu of split main drains for a pool. Plans for these alternatives can be submitted for review. There are devices that can be installed without breaking the bottom of the pool. However, these devices must meet the American Society of Mechanical Engineers (ASME 112.19.17-2002) or equivalent.

Comment [10] What about pools those are painted annually? Do they require a permit for resurfacing? What if we paint them with the same color instead of painting to change color?

Response: We will look into this further. We have had issues with colors being installed that violate the Code and as a result have had to be repainted in order to be in compliance. As of now, with the Code as written, plans would need to be submitted for approval of repainting to confirm approved color will be used.

Comment [11] Hotel has building surrounding pool. Building is the pool fence. We have 2 doors that open into the pool area. Do I have to create a four-foot barrier? Fire Code and ADA may be an issue or a problem.

Response: September 2013 is the 10-year compliance date if you currently meet 1989 code. Any facilities that have fence, which does not meet current Code, must comply with the new Code by September 2004. You would be required to modify your existing barrier. Life Safety and Maricopa County Environmental Health Codes address the direction of the gate swing. Alternative fencing options are available to meet compliance. These issues can be addressed through a "Variance" to the Swimming Pool Advisory Committee (i.e.: the use of plantings as a barrier). Variance applications must be submitted at least 31 days before the next scheduled hearing date.

Comment [12] Wanted to know the difference between number of death cases in semi-public pools and public pools. Why it is “unknown”?

Response: The chart provided to show the numbers in drowning deaths between public and semi public pools. The columns listed as unknown and other information was not provided by the Fire Department reports. The reports reflect conditions when the Rescue team arrives; the victim is generally already out of the water. If the victim was “trapped” by suction or other means in the water, it is not noted, as the Fire Department was not a witness to this on arrival. Numbers presented as “drowning” may not be accurate as to the numbers by entrapment or other means. Death statistics are available on ADHS Website.

Comment [13] Entrapments are not as big a deal as the County is making it to justify the change on main drains. There aren't the numbers to support it.

Response: Response by ADHS: Entrapments are not noted by the Fire Dept. reports, if the victim has been removed from entrapment. EMT/ Fire Rescue teams always notes and records it as a drowning.

Comment [14] If a gate opens by lock and key why is height of where the lock is an issue.

Response: State Code mandates that the lock must be 54” or above. Maricopa County can't be less restrictive than State Code.

Response: Public Guest Statement: As a Representative of Public Pools. We support the new Code on fencing requirements and the dual main drains. These are safety requirements that will prevent deaths.

Comment [15] When the State revised their Code, why wasn't the public notified in the same manner as Maricopa County? Had we known of their changes, we would have been there to represent our issues to them. The State should have involved Maricopa County from the beginning of their process to get their concerns as well. All of us would not be dealing with these hot issues of the State had properly notified the public. We want you to notify the State that we don't approve of how they revised their Code with no proper notice to the public.

Response: The State does their notifications and they do not go through the County. If the public has issue with the State Code they should take their concerns to ADHS. You need to take your concerns to the State to have them addressed, especially in regards to “Public Notice”.

Comment [16] This is to address the seven (7) million-dollar insurance requirement on semi-public pools with diving boards. Do I have to get such an insurance policy of seven million dollars?

Response: If your pool and diving board meets the new Code, you do not need additional insurance.

Comment [17] Clarification statement: Are all pools required to have a cap on the vacuum line?

Response: Yes they are.

WATER QUALITY OF POOLS

Comment [18] Certified Pool Operator states that chlorine runs at 5 PPM. All industry supports raising the chlorine level to 5 PPM. Concern on chlorine levels. Virtually impossible to keep at 3 PPM. Most apartments and hotels on weekends have it at 3 PPM and on Monday through Friday it rises to 5 PPM because of less usage.

Response: We brought this issue to the State and the required level of chlorine in Maricopa County shall be maintained between 1PPM and 5 PPM for public and semi-public pools.

Comment [19] Water Fountain Features: we find them to be an attractive nuisance. Aren't malls and other buildings with these features going to come under your jurisdiction if they allow children to play in them?

Response: We will discuss this issue regarding these features with the State. In general, malls are becoming problematic and need to be addressed. If the water is recycled and not single use potable, then these features must meet spray pond requirements.

Comment [20] The current proposed total alkalinity shall be maintained between 60 PPM to 100 PPM.

Response We brought this issue to the State and the required level of total alkalinity in Maricopa County shall be maintained between 60 PPM and 180 PPM.

SERVICING OF POOLS

Comment [21] Your new Code requires that we keep a daily log for the testing of the pools. Testing to be done on a daily basis. What about closed pools? Do we have to test and maintain this log if pool is closed?

Response: If pool is closed locked and posted closed so that tenants' keys will not open it, then a log will not be required for those days that the pool is closed. Operating logs will be mandatory and will be checked at each inspection. The logbook will need to be available for the Health Inspector. There must be an entry for chlorine (or any other disinfectant), pH, and total alkalinity each day that the pool is open.

Comment [22] Operator states they are very upset that the State did not open to public to state their opinions. Why didn't the State show up today when we knew we had to have this third workshop?

Response: They were invited to attend this meeting.

Comment [23] We want our message sent to the State (ADEQ) that the operators want proper public advertisement to them the same way the County did and have the County there to address questions that will impact the County at the same time. The current way it is being handled is not right and not in the best interest of the public.

Response: We will pass this on to the State.

Comment [24] Why do we have to test for alkalinity daily? Pima County eliminated this.

Response: State Code requires this and we can not be less strict than the State.

Comment [25] How can Pima County do less than the State Code and why Maricopa County is not willing to do the same?

Response: Checked with the ADEQ and they stated that Pima County is required to be as strict as the State.

Comment [26] How long do we have to retain our service logs for daily testing? What if we have a lawsuit?

Response: At least twelve months. Retain longer if you wish or have had other legal problems with your pool.

Comment [27] You state that with fecal contamination you will require closure of pool for 24 hours to clean, recirculate and disinfect. With public pools, this is a daily problem, which would then mean we would be required to close every other day! This is another concern that the State should have allowed us to input on! Had this not been put into State Code, the County could offer us other choices on re-sanitizing a public pool due to fecal contamination. State enforcement is going to keep us closed every other day or we are in non-compliance with State and County Codes. Maricopa County needs to get this message to the State. We need the County help in getting the message to the State. We (the operators) want to set at a public hearing at State level with the County being present for comments. What good are our opinions here at this meeting if there is nothing that can be done because it is "already a State Code"? Does the State do this deliberately; provide no notice to all the Operators?

Response: We will forward your concerns to the State. You also need to send your concerns to the State as well. We can't answer for the State on how they handled their public hearings. You need to get the State to respond to you.

Comment [28] Testing Chemicals – Is Orthotolidine (OTO) test reliable?

Response: The Code does not permit Orthotolidine (OTO) to be used in semi-public and public pools.

Comment [29] There is no standardization on Inspectors who inspect us. Every one is different. Don't you think they should go through State training or pass an exam to do this job?

Response: All our inspectors are Environmental Health Specialists. They are generalists in all areas. To be hired by Maricopa County, they must have a four-year degree (with minimum of 30 hours in science) and must score at least 70% to pass the State of Arizona Registered Sanitarian Exam. They are trained in pools as well as restaurants. Environmental Health Lead Specialists have gone through "Standardization" and advanced training as well.

Comment [30] The pool Code needs a general index based on topic. It would be easier for a newer operator to find his way through this document.

Response: An index has been added and will be included in the next draft.

Comment [31] What about a Pool Operators Handbook. Other Counties provide this. You provide a food handler's handbook. Can't the County do the same for pools?

Response: When we give out the food handler book, it is to prepare for the food handler test. Are you advocating a Maricopa County pool operator book and test? This would be revocable and challengeable by the inspector. We will be providing an updated pool operator's handbook that will reflect the new codes changes.

Comment [32] Why is changing sanitizing system requiring Plan Review?

Response: We want to make sure they are sized correctly for the pool. We also require that the chlorinator be ANSI Standards approved or equivalent. We anticipate this to be an "over the counter" procedure, not something that you must jump through hoops to obtain.

Comment [33] How are you addressing cost of changing a sanitizing system? There is nothing in this Code to show what the charges will be? City of Phoenix current cost for counter review is \$150.00

Response: We do have a miscellaneous fee so we can use this lower fee until our fees are modified to reflect the cost of this transaction. The fee could be based on portion of billable hours, which would be cheaper than standard plan review fee.

Comment [34] Salt Water Disinfection Systems that is not ANSI Standards approved. Will these systems be able to be retrofitted?

Response: If they are using non-approved equipment, they did not go through us for plan review, or request a variance, then when the equipment breaks, a retrofit will not be allowed. It must be replaced. Each installation will have to be handled on an individual basis to determine if a variance is even possible.

Comment [35] Reg. 8, Sec 6 regarding "Lifeguard Chairs" on each side of the pool. Some pools we can view better from corners due to view or glare. Chairs are the issues, not the lifeguards. Vision is the criteria to activate a rescue.

Response: Lifeguard can stand or sit where they can see, vision is the issue. The chair still needs to be placed as required by State Code. We don't specifically address the lifeguard business, as long as they are trained and certified to do their job.

Comment [36] Bath houses – check in baskets. County added the word "adequate". What is adequate? We feel it is the management/operator issue. We don't keep a log on who uses these lockers. We feel the architect and the owner can best determine what the need is based on the anticipated usage. What does locker or basket use have to do with safety? Why does the County feel they have to enforce what is not health and safety related?

Response: There is a safety issue when you have 300 bathers in your pool with various articles strewn out over the deck area. At this point it does become a safety issue.

Comment [37] If we show a reasonable amount of lockers (600 bather load should not mean 600 lockers) would that work? Define adequate. Leave State Code in place and remove the word "adequate".

Response: We approved El Dorado Pool with "adequate" lockers and it was not one locker per one bather.

Comment [38] What are considered "hand holds" or "foot holds" that would make us out of compliance?

Response: Picnic tables or benches against the fence. Planter boxes, bricks, chairs, landscape, boulders and others.

Comment [39] Walkways around spas. Why do we need a variance for a raised walkway?

Response: Regulation on walkways has been in effect since 1966. There have only been two variance requests outside this.

Comment [40] Waterslides-for exiting why say opposite end? Some pools are multipurpose and exiting from the side is quicker and safer?

Response: If you want to propose a side exit, you must submit it for a variance. We can't address every possible scenario for the various pool designs and uses. If it does not comply with Code, it must have a variance.

Comment [41] Slide rules that vary in requiring a lifeguard. Why not just allow attendants at one end and lifeguards at the other?
Response: Lifeguards rotate. Attendants can't replace a lifeguard requirement.

Comment [42] How are we going to be notified when the State decides to make the next changes to the pool Codes?
Response: We will provide the name of the State contact or you can check with the Governor's office.

Comment [43] Existing pools that want to resurface their pools will still need to go through plan review. We understand that some pools are found, after the resurfacing, with the wrong color. There is a cost to be borne by either the HOA or the contractor to correct this if the wrong color is put in.
Response: That is correct. Plans for resurfacing need to be submitted prior to the resurfacing with color of resurface included. This will avoid the problems that have been recently encountered. This will also ensure that dual main drains are installed as well. This is to be a simple process. We will need to know what exists and what is being changed as well as what will remain the same. We currently have two pools in this County with no skimmers and these will have to be changed.

Comment [44] There are pools currently with dual main drains but not 36 inches.
Response: When these pools are re-plastered they will need to meet the Code as well.